

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2010 OCT 19 PM 2:44

DEPUTY CLERK pl

DAVID ANTHONY MYRIE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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2:10-CV-0228

**ORDER ADOPTING REPORT AND RECOMMENDATION and
DISMISSING MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE**

Came for consideration the motion to vacate, set aside or correct sentence by a person in federal custody filed by petitioner. On September 30, 2010, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the instant motion be dismissed as time-barred. No objections to the Report and Recommendation have been filed.

Having made an independent examination of the record in this case and having examined the Report and Recommendation of the Magistrate Judge, the undersigned United States District Judge hereby ADOPTS the Report and Recommendation. Accordingly, the Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence filed by petitioner is, in all things, DISMISSED.

IT IS SO ORDERED.

ENTERED this 19th day of October 2010.

Mary Lou Robinson
MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE